

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TERRI RAE JUDD
118 East 300 South
Lehi, UT 84043

Registered Nurse License No. 651625

Case No. 2012-189

OAH No. 2011111062

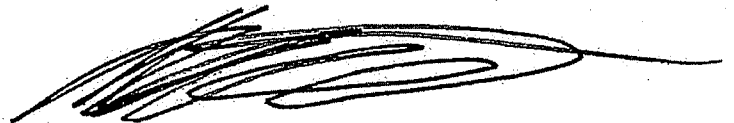
Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 17, 2012.**

IT IS SO ORDERED **July 17, 2012.**



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-189

12 **TERRI RAE JUDD**
13 **118 East 300 South**
Lehi, Utah 84043

OAH No. 2011111062

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Registered Nurse License No. 651625**

15 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Timothy J. McDonough, Deputy Attorney General.

25 2. Terri Rae Judd (Respondent) is representing herself in this proceeding and has chosen
26 not to exercise her right to be represented by counsel.

27 3. On or about January 28, 2005, the Board of Registered Nursing issued Registered
28 Nurse License No. 651625 to Terri Rae Judd (Respondent). The Registered Nurse License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 2012-189 and
2 will expire on July 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-189 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on September
7 29, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2012-189 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2012-189. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2012-189, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
25 License No. 651625 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Registered Nurse License without further process.
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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 651625, issued to Respondent Terri Rae Judd, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-189 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,970.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or re-apply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-189 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

Exhibit A

Accusation No. 2012-189

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-189

13 **TERRI RAE JUDD, a.k.a. TERRI RAE**
14 **WARD**

118 East 300 South
Lehi, UT 84043

15 Registered Nurse License No. 651625

ACCUSATION

Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 28, 2005, the Board of Registered Nursing issued Registered
23 Nurse License Number 651625 to Terri Rae Judd, also known as Terri Rae Ward (Respondent).
24 The Registered Nurse License was in full force and effect at all times relevant to the charges
25 brought in this Accusation and will expire on July 31, 2012, unless renewed.
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1 States, by any other government agency, or by another California health care professional
2 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
3 action."

4 COST RECOVERY

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

11 10. Respondent has subjected her registered nurse license to disciplinary action under
12 Code section 2761, subdivision (a)(4), in that on or about February 2, 2009, in a disciplinary
13 action before the Division of Occupational and Professional Licensing of the Department of
14 Commerce of the State of Utah (Utah Division), Case No. DOPL-2009-19, the Utah Division
15 entered Stipulation and Order (Order) revoking Respondent's registered nurse license. The Order
16 stayed the revocation subject to Respondent's successful completion of five years of probation,
17 subject to various conditions and restrictions. The Order also suspended Respondent's registered
18 nurse license until Respondent submitted to the treatment outlined in the Order, and until the
19 evaluators determined that Respondent's nursing practice would not pose a danger to the public.
20 The Order provided that the period of probation would commence on the date that the Utah
21 Division Director signed an Amended Order lifting the suspension of Respondent's license.

22 11. The conditions and restrictions of probation set forth in the Order required
23 Respondent to: (1) meet with the Utah Board of Nursing (Utah Board) within 30 days of the
24 signing of the Order and thereafter meet with the Utah Board or Division annually or at such
25 other greater or lesser frequency as directed by the Utah Division; (2) within 90 days of the
26 effective date of the Order, successfully complete a chemical dependency evaluation provided by
27 a Utah Division-approved licensed provider; (3) within 10 days of the effective date of the Order,
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1 contact the Utah Division-approved Rehabilitation Center and schedule an appointment within 45
2 days of the effective date of the Order; (4) notify the Utah Division immediately after successful
3 completion of the chemical dependency evaluation and cause the evaluation report to be sent to
4 the Utah Division within 90 days of the effective date of the Order; (5) within 90 days of the
5 effective date of the Order, successfully complete a psychological evaluation provided by a Utah
6 Division-approved licensed provider; (6) within 10 days of the effective date of the Order, contact
7 the Utah Division-approved licensed professional and schedule an initial psychological evaluation
8 appointment within 45 days of the effective date of the Order; (7) notify the Utah Division
9 immediately after successful completion of the psychological evaluation and cause the evaluation
10 report to be sent to the Utah Division within 90 days of the effective date of the Order; (8) within
11 90 days of the effective date of the Order, successfully complete a physical evaluation provided
12 by a Utah Division-approved licensed provider; (9) within 10 days of the effective date of the
13 Order, contact the Utah Division-approved licensed professional and schedule an initial physical
14 evaluation appointment within 45 days of the effective date of the Order; (10) notify the Utah
15 Division immediately after successful completion of the physical evaluation and cause the
16 evaluation report to be sent to the Utah Division within 90 days of the effective date of the Order;
17 (11) successfully complete an intensive drug treatment program and any treatment
18 recommendations as outlined in the evaluations; (12) abstain from the possession or use of
19 alcohol, mood-altering substances, controlled substances, and prescription drugs in any form,
20 unless the controlled substance or prescription drug is lawfully prescribed to Respondent for a
21 current bona fide illness or condition; (13) complete all terms and conditions of any criminal
22 sanctions incurred before or during the period of the agreement; (14) unless otherwise approved
23 by the Utah Division, receive prescriptions from only one prescribing practitioner and fill those
24 prescriptions at only one pharmacy; (15) notify the Utah Division within 48 hours of receiving
25 prescriptions from an emergency practitioner or referral practitioner; (16) notify the Utah
26 Division within 48 hours of ingesting any and all medications or controlled substances;
27 (17) provide a copy of the Order to her primary prescribing practitioner; (18) provide samples for
28 drug analysis upon the request of the Utah Division or the designated drug testing company;

1 (19) for the first 6 months of probation, submit all reports and documentation required by the
2 Order to the Utah Board on a monthly basis; (20) if Respondent is in compliance with the Order
3 after the first 6 months of probation, submit all reports and documentation required by the Order
4 to the Utah Board on a quarterly basis, otherwise continue to submit such reports on a monthly
5 basis; (21) complete and submit self-assessment reports to the Utah Board; (22) participate in all
6 therapy and aftercare as required by the Utah Division and Board; (23) participate in a
7 professional support group to address her use of controlled substances and submit documentation
8 reflecting her continued attendance at such support group meetings; (24) attend a 12-step
9 program, have a sponsor, and submit reports documenting her participation; (25) notify each
10 employer of the restricted status of her registered nurse license and the terms of the Order;
11 (26) cause her employer to submit performance evaluations to the Utah Board; (27) restrict her
12 practice to duties and surroundings that do not allow her access to, or require her to account for
13 controlled substances; (28) provide a copy of the Order to her employer or school or nursing;
14 (29) not work for a nursing registry, traveling nurse agency, nurse float pool, home health agency,
15 temporary employment agency, school of nursing, or any other practice setting in which nursing
16 supervision is unavailable; (30) practice only under the on-site supervision of a nurse in good
17 standing with the Utah Division; (31) not contact by telephone or otherwise any pharmacy or drug
18 supplier for the purposes of filling a prescription order; (32) notify the Utah Board if she does not
19 practice as a nurse for a period of 60 days or longer; (33) not practice in any other state that is a
20 party to the Nurse Licensure Compact without prior authorization from such other party state;
21 (34) notify the Utah Board in writing within 1 week of any change of employer, employment
22 status, or practice status; (35) notify the Utah Division and Utah Board in writing if she leaves the
23 State of Utah for a period longer than 60 days and indicate the dates of her departure and return;
24 (36) cause the Utah Division or Utah Board to be notified immediately if she is arrested or
25 charged with a criminal offense by any law enforcement agency in any jurisdiction, or if she is
26 admitted as a patient to any institution in Utah or elsewhere for treatment regarding the abuse of
27 or dependence on any chemical substance, or for treatment for any emotional or psychological
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1 disorder; (37) maintain a current license at all times during the period of the Order; and (38)
2 immediately notify the Utah Division of any change in residential or business address.

3 12. The underlying conduct supporting the Utah Board's disciplinary action is that on or
4 about November 6, 2007, Respondent was arrested on suspicion of driving under the influence in
5 Pittsburgh, Pennsylvania. Respondent failed to appear in court on November 15, 2007, and a
6 warrant was issued for her arrest. On or about March 22, 2008, Respondent was issued a citation
7 by Lehi police for public intoxication, disorderly conduct, and abuse of emergency services. On
8 or about April 24, 2008, Respondent was issued a citation by Lehi police for having an open
9 container of alcohol in a vehicle, violating an ignition interlock restriction, and driving on a
10 revoked license. Respondent failed to appear in court on July 30, 2008, for the two incidents
11 described above. Two warrants for Respondent's arrest were issued by Lehi Justice Court based
12 upon her failure to appear. On or about December 15, 2008, in Lehi Justice Court, Respondent
13 pled guilty to one count of failure to appear, one count of public intoxication, and one count of
14 disorderly conduct, all Class C misdemeanors. Respondent pled "no contest" to one count of
15 driving without a license and one count of violating an ignition interlock restriction. On or about
16 December 11, 2008, Respondent told Utah Division investigators that she had had an alcohol
17 abuse problem for the previous couple of years. Respondent admitted that she engaged in the use
18 of intoxicants, drugs, narcotics, or similar chemicals to the extent that her conduct might
19 reasonably be considered to impair her ability to practice safely as a nurse.

20 13. On or about October 2, 2010, the Utah Division entered an Amended Order
21 terminating the suspension of Respondent's Utah registered nurse license and placing
22 Respondent's registered nurse license on probation for five years, subject to the conditions and
23 restrictions identified in the Utah Division's February 2, 2009 Order as set forth above in
24 paragraphs 9 and 10.

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 29, 2011 Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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